IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4382 OF 2004

Pradeep D. Shah ..Applicant

versus

The State of Maharashtra ..Respondents

Mr. A. P. Mundargi with M.K. Kocharekar for the Applicant.

Mr. V. D. Upadhyay for the Complainant.

Mr. K. V. Saste A.P.P. for the Respondents.

CORAM : A.M. KHANWILKAR,J.

DATE : 20TH OCTOBER 2004.

P.C. :

1. Heard counsel for the parties. Perused the record. After going through the record, it is amply clear that the controversy is really in the nature of civil dispute between the parties. The applicant had sent legal notice to the complainant as far back as on 10.1.2002 which concedes the receipt of Rs.12,60,000/= towards agreement consideration and demanded balance amount payable by the complainant. As that request was not complied, the applicant by another legal notice terminated the agreement on 23.1.2002. There is nothing to show that the complainant contested this position. Taking overall

view of the matter, to my mind, the applicant deserves to be enlarged on bail on the following condiions :

(a) The applicant be enlarged on bail in connection with M.C.R. No.2/2004 registered at Kanjurmarg Police Station on executing personal bond in the sum of Rs.25,000/= (Rupees Twenty Five Thousand only) with two local sureties in the like amount.

(b)The applicant shall abide by the conditions under Section 438(2) of the Code as applicable to the State of Maharashtra.

Application disposed of accordingly.

A.M. KHANWILKAR, J.